

COUNTY OF YORK

MEMORANDUM

DATE: September 24, 2004 (BOS Mtg. 10/5/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application Nos. ZM-89-04, Williamsburg Furniture, and UP-647-04, Holiday Chevrolet-Cadillac, Inc.

ISSUE

Application No. ZM-89-04 seeks to amend the York County Zoning Map by reclassifying approximately 10,149 square feet of land located off of the south side of Second Street (Route 162) at the southwest quadrant of Second Street and Merrimac Trail (Route 143) from R13 (High-Density Single-Family Residential) to GB (General Business). The property is addressed as 537A Second Street and is further identified as Assessor's Parcel No. 10-16. The parcel contains the rear portion of the Williamsburg Furniture building.

Application No. UP-634-04, which is contingent on the approval of Application No. ZM-89-04, is a request, pursuant to Section 24.1-306 (Category 12, No. 5(b)) of the York County Zoning Ordinance, to authorize expansion of the existing motor vehicle sales and service facility located at 543 Second Street and expansion of the dealership's vehicle display area onto the adjacent property located at 539 Second Street. The properties are further identified as Assessor's Map Nos. 10-19 and 10-18. The properties are zoned GB (General Business) and are located at the southwest quadrant of the intersection of Second Street and Merrimac Trail. The property at 539 Second Street was formerly occupied by The Greener Side garden center.

DESCRIPTION

- Property Owners: Daniel S. Jones (Parcel No. 10-16)
Hudgins Brothers LLC (Parcel No. 10-18)
Holiday Oldsmobile-Cadillac (Parcel No. 10-19)
- Location: 537A, 539 and 543 Second Street (Route 162)
- Area: Rezoning: 10,149 square feet
SUP: 5.15 acres
- Frontage: Parcel No. 10-16: No frontage
Parcel Nos. 10-18 and 10-19: approximately 484 combined feet on Second Street

- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: Parcel No. 10-16: R13 - High-Density Single-Family Residential
Parcel Nos. 10-18 & 10-19: GB – General Business
TCM – Tourist Corridor Management overlay
- Existing Development: Parcel No. 10-16: Furniture store
Parcel No. 10-18: Vacant garden center
Parcel No. 10-19: Motor vehicle sales and service
- Surrounding Development:

North: Motor vehicle repair, Hardee's restaurant beyond Second Street,
shopping centers beyond Merrimac Trail
East: Restaurant, hotel
South/West: Middletowne Farms single-family residential subdivision
- Proposed Development: Expansion of existing motor vehicle sales and service operation on Parcel No. 10-19; expansion of the sales/display operation onto Parcel No. 10-18; no change in use on Parcel No. 10-16.

CONSIDERATIONS/CONCLUSIONS

1. Holiday Chevrolet-Cadillac has operated at this location for approximately 20 years. The dealership recently purchased the adjacent parcel to the west, formerly occupied by The Greener Side garden center, for the purpose of providing additional room for the storage and display of vehicles for sale which, in turn, will provide room for expansion of the existing service building on the current site. The property is zoned GB, and since auto sales and service now requires a special use permit in this district, the existing dealership use is considered a conforming special use (ref. Section 24.1-115(c)(4)). Expansion of the existing business and the establishment of the motor vehicle sales and service use on the former garden center parcel both require a new use permit.
2. Parcel No. 10-16 (rear of Williamsburg Furniture parcel), proposed for rezoning from R13 to GB, abuts the northernmost parcel (Parcel No. 10-18) that is the subject of the SUP request (former garden center site). The purpose of the rezoning request is to eliminate the 35-foot transitional buffer requirement that would be imposed along the northern property boundary of Parcel No. 10-18 if the zoning of Parcel No. 10-16 were to remain R13. The current zoning line actually bisects the Williamsburg Furniture building between the R13 and GB districts, and

the rezoning would serve to properly locate the entire building and use completely within the commercial zone.

3. The SUP application covers two parcels: the 3.86-acre parcel containing the existing motor vehicle sales and service operation (Parcel No. 10-19) and the 1.29-acre abutting parcel that formally contained The Greener Side garden center (Parcel No. 10-18). The applicant's sketch plan indicates that Parcel No. 10-18 would be used as an approximately 44,000-square foot parking area for display of motor vehicles for sale. The buildings previously occupied by the garden center would be demolished. Proposed changes to Parcel No. 10-19 include an approximately 18,600-square foot addition to the existing 17,700-square foot building (36,300 square feet total) and the redesign of existing vehicle parking, storage and display areas surrounding the building.
4. The front portions of the two properties subject to the SUP application are located within the Tourist Corridor Management (TCM) overlay district. According to Section 24.1-375 of the Zoning Ordinance, the TCM regulations "are designed and intended to protect the aesthetic and visual character of the transportation corridors leading into and through the designated historic districts of Williamsburg and Yorktown," and "Primarily this overlay district is intended to provide a positive visual experience for those visitors coming into and through the county." This overlay district emphasizes enhanced landscaping as well as quality architectural design. With the exception of the frontage of Parcel No. 10-19 (existing vehicle sales facility), the applicant's proposed plan indicates landscaping that meets minimum Ordinance standards for landscape yards and required parking areas. A minimum of 10% of required parking areas (non-display areas) must be landscaped within the TCM area of the parcels. Under current Ordinance standards, a 20-foot landscape yard would be required across the front of Parcel No. 10-19. However, this area of the parcel is considered vested since it has been used for vehicle display since before the establishment of current front yard requirements for the GB district. Nevertheless, in consideration of the fact that this is a TCM area, I am recommending that three additional landscape islands, each sized equivalent to a standard parking space, be installed at each end and in the middle of the 220-foot row of parking spaces across the front of the parcel. A proposed approval condition addresses this issue.
5. The applicant has been parking and displaying vehicles for sale within a portion of the public right-of-way in front of the existing sales building since before the establishment of performance standards prohibiting parking, storage or display of vehicles in public right-of-way areas (ref. Section 24.1-475(h)). This display opportunity was afforded the applicant under an annual lease agreement that he arranged in 1993 with Virginia Department of Transportation (VDOT). Given that the property is located within the TCM and that the applicant would be gaining substantial new parking/storage/display areas with the requested SUP, I am recommending that the property be brought into compliance with current standards by permanently removing vehicles parked, stored or displayed within

the right-of-way. A proposed approval condition addresses this issue and the applicant has indicated his intention to discontinue this practice once the enlarged on-site display area is available.

6. Currently there are two freestanding signs located within the Second Street right-of-way; the dealership identification sign and a directional/identification sign for the dealership's service and repair facility. These signs have been in place for years and even though they are not monument signs as required by current ordinances, they would normally be considered "grandfathered" as lawful nonconforming uses. Until the applicant submitted a site survey with this application, staff assumed that they were on the subject property and were legally existing nonconforming signs. However, now that they have been identified as being located off the applicant's property, staff can find no administrative authority to determine that they are "grandfathered" and can remain in place, at least for so long as the property on which they are located is not owned by the applicant. Because of these findings, and recognizing that the TCM regulations require all freestanding signage to be monument style, and that there is a limit of one free-standing identification sign per parcel, the staff and Planning Commission recommendation is that all freestanding signage on the site be brought into compliance with current Ordinance regulations (i.e., located on-site, limited to one identification sign constructed in a monument style, and directional sign(s) properly sized and located). Staff believes that the monument identification sign could be placed within the central landscape island in the front row of display parking spaces mentioned above. A proposed approval condition addresses this issue.

The applicant has expressed a desire to keep the existing free-standing identification sign and staff has suggested to the applicant that one way of doing so would be to negotiate with VDOT for the acquisition of a 20-foot wide portion of the excess right-of-way in front of his parcel. If such were to happen, the Zoning Administrator, after consultation with the County Attorney, has determined that the existing identification sign would be considered vested and rendered lawfully nonconforming. This property acquisition would also incorporate the existing curbing and light poles into the parcel and would allow the site to comply with the 20-foot front green space requirement specified by the Zoning Ordinance. The 20-foot strip would also provide an alternate, and more visible, location for a monument sign should the Board wish to require it at this time or, if not, should the applicant wish to replace (vs. repair) the existing sign at some point in the future.

The applicant has begun discussions with VDOT concerning this possible acquisition and VDOT has indicated its willingness to consider the applicant's proposal. This possibility is reflected in the proposed use permit conditions provided for your consideration. If this acquisition cannot be arranged, staff believes that the only other option available to the applicant concerning the

existing sign would be to seek relief from the Board of Zoning Appeals, although the Board's authority to provide any relief is questionable.

7. The applicant has submitted architectural renderings of the proposed building expansion. Façade treatment would match the split-face masonry block used on the existing building. TCM standards discourage "long, monotonous façade designs," and the proposed elevations for the building additions include horizontal and vertical brick detailing that serves to visually partition the long face of the additions. Staff believes that the applicant's building plans are fully consistent with the terms of the TCM overlay district.
8. The County Regional Bikeway Plan calls for a shoulder bike lane the length of Merrimac Trail. In accordance with Section 24.1-256(d) of the Zoning Ordinance, I am recommending an approval condition requiring a shoulder bikeway (widened asphalt shoulder) along that portion of the frontage of Parcel 10-19 east of the Second Street/Merrimac Trail intersection.
9. VDOT staff recommended that the existing vehicular connection between the Williamsburg Furniture parcel and the former garden center parcel be eliminated, and access for the expanded vehicle sales and service use be restricted to the two driveways in front of the existing building on Parcel No. 10-19. The applicant's proposed plan demonstrates compliance with this requirement and landscaping is shown along the entire side yard on the garden center parcel abutting the Williamsburg Furniture parcel.
10. The parcels subject to the SUP and rezoning requests abut residentially zoned properties at their rear (southerly) borders. Accordingly, a Type 35 transitional buffer is required between the commercial and residential zoning districts. As all abutting properties are developed, the applicant would be required to provide one-half of the required buffer (17.5 feet). The applicant is proposing parking and an access aisle behind the rear of the existing building. In accordance with Section 24.1-475(a), a 35-foot screened setback is required between any parking/access aisle associated with a motor vehicle use and any abutting residential district. The applicant has shown a 35-foot landscaped area parallel to the rear property boundary of the parcels subject to the SUP. I am recommending existing trees and shrubs in this area be preserved and supplemented with evergreen plantings and opaque fencing to afford screening for the adjacent residential development. A proposed approval condition addresses this issue. Screening requirements for the parcel to be rezoned would be imposed at time of any future development on the parcel. At a minimum, a 17.5-foot Transitional Buffer would be required along the rear property line where it abuts the lots in the Middletowne Farms subdivision.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on September 8, 2004. No one spoke on the application other than the applicant's engineer; however, a letter was submitted to the Commission (included in meeting minutes) outlining concerns with lighting, buffers, loudspeakers, prevention of paint fumes and restricted access to the residential area. Staff noted that the concerns would be addressed through current Zoning Ordinance standards and proposed approval conditions.

The applicant requested relief from the proposed approval conditions requiring landscape islands at the front of Parcel 10-19, compliance with current sign regulations and removal of vehicles from the road right-of-way. The Commission was of the opinion that, as the proposed conditions would rectify nonconforming situations on the property, including Tourist Corridor Management overlay standards, the conditions as proposed were appropriate. The Commission voted 6:0 (Commissioner Harvell absent) to recommend approval of the application.

COUNTY ADMINISTRATOR RECOMMENDATION

Based on the considerations and conclusions as noted, I recommend that the Board approve both applications as recommended by the Planning Commission. This may be accomplished through the adoption of proposed Ordinance No. 04-25 and proposed Resolution R04-143. Please note that proposed Condition No. 2 in R04-143 has been written to recognize the possibility that the applicant may be successful in acquiring a strip of green space at the front of the properties, which would provide more room and visibility for a conversion to monument signage.

In the event the Board does not wish to require the installation of a monument sign at this time, then I recommend that the wording of Condition No. 3 of the proposed resolution be modified to read as follows:

Provided that the applicant is successful in acquiring a sufficient amount of excess right-of-way from the Virginia Department of Transportation to establish a front setback of at least ten (10) feet for the existing freestanding identification signage, said signage may remain in place as a lawfully existing freestanding sign. In the event the applicant and VDOT cannot complete such a transfer within one (1) year of the date of this use permit approval, the applicant shall be required to remove the existing freestanding identification sign and any replacement signage shall comply in all respects to the requirements of the TCM Overlay district.

3337/Carter

Attachments

- Excerpts from Planning Commission minutes, September 8, 2004
- Zoning Maps
- Existing conditions plan
- Concept Plan
- Applicant's Project Narrative
- Elevation rendering of expanded motor vehicle sales building (submitted by applicant)
- Letter from Virginia Department of Transportation dated August 20, 2004
- Proposed Ordinance No. 04-25
- Proposed Resolution R04-143